

# FOREIGN POLICY ASSOCIATION

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### Open Diplomacy and American Foreign Relations

“A DEMOCRACY which undertakes to control its own foreign relations,” said Elihu Root, “ought to know something about the subject.” The statement is axiomatic. But the question has often been raised both in the United States and in Europe as to how much the public is entitled to know. How far may a people be justified in pressing the demand for prompt and full publication of the diplomatic correspondence carried on by its Government?

#### WHAT OPEN DIPLOMACY IMPLIES

President Wilson, in his famous speech of January 8, 1918, outlining to Congress the fourteen essential points of the American program of peace, caught the echo of the discussion which had been proceeding in Europe on the subject of secret diplomacy. To the idea then current he gave sonorous expression in his declaration for “open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly, and in the public view.” The President’s phrase

caught the imagination of the American people, including Senator Borah, who in an article in the “Forum” for December, 1918, expressed his satisfaction with the President’s declaration, and made the following comment:

“There has not been announced in this great controversy a proposition which goes more thoroughly to the heart of the controversy than the proposition which the President announced, that a pre-requisite to any permanent peace is that hereafter no such thing shall happen; that hereafter the people shall be consulted; and the only way in which they can be consulted is by their knowing the different steps which their representatives take from day to day and month to month and year to year in their relations with other nations.”

President Wilson later explained that when he pronounced for open diplomacy, he meant “not that there should be no private discussions of delicate matters, but that no secret agreements should be entered into, and that all international relations, when fixed, should be open, above board, and explicit.” The actual procedure of the Peace Conference at Paris was in conformity with what President Wilson said he meant,

rather than with what he was understood to mean by Senator Borah and others at the time of his enunciation of the fourteen points.

The degree of secrecy observed in the negotiations at Paris was considered necessary by all the principal representatives of the Allied and Associated Powers. In defense of the degree of secrecy observed, Mr. Lloyd George made the following statement to the House of Commons:

"I know in the criticisms there has been a lot of silly talk about secrecy. Yet no other Peace Conference has ever given so much publicity. I am referring now to the official communications, issued by the Conference, and honestly, I would rather have a good peace than a good press. . .

"To publish the peace terms prematurely, before the enemy had opportunity to consider them would be to raise difficulties in the way of peace, and we mean to take the action necessary to prevent their publication."

Mr. Lloyd George's view of what is involved in the conducting of open diplomacy was shared by Secretary Hughes who, in an address delivered before the Canadian Bar Association at Montreal in September, 1923, expressed himself as follows:

"In every negotiation there are preliminary positions to be taken, tentative plans to be discussed, arguments to be presented and demolished, and nothing can be accomplished if every suggestion, every advance, and every retreat must be publicly made. Negotiators, under such restriction, would inevitably take their positions not to promote a settlement but to win public approval by the firmness and vigor of their partisanship. . . Open diplomacy is openness of results; the absence of secret agreements and understandings, not the immediate publication of all intermediate steps."

#### **U. S. DISCARDS OLD WORLD DIPLOMACY**

Before the foundation of the Department of State, the foreign affairs of the United States were in the hands of a Committee of Congress designated "The Committee of Secret Correspondence." There was no special significance in the name of the Committee, however, for the impression appears to have prevailed generally after the adoption of the Constitution that the United States, beginning its career as an independent state, with no national history behind it, and untrammelled by precedents and traditions, could discard the devious methods practiced by old-world diplomacy, and could

follow a more sincere and upright course.\* In addition to the conviction that open diplomacy was effective diplomacy, there was a sense of responsibility on the part of the Executive that Congress and the people had a vital interest in the conduct of foreign relations. It should also be noted that as early as 1861 the President of the United States, apparently with a view to obtaining Congressional and popular approval of his dealings with foreign governments, began the practice of submitting to Congress, with his annual message, copies of recent diplomatic correspondence. This practice has been followed to some extent by all succeeding administrations. Until 1906 the correspondence was usually published either at the end of the year during which it was conducted or at the end of the immediately succeeding year; only in two instances before 1906 was the publication of correspondence delayed as much as two years.

#### **PARTICIPATION IN WORLD AFFAIRS CREATES THE ISSUE**

Secrecy in the conduct of the foreign relations of the United States became a question of prime importance only after the war against Spain. As the result of the successful championship of Cuban independence, and the acquisition of important possessions in the Pacific, the people of the United States were awakened to the possibilities of a larger participation by their government in the affairs of the world. Roosevelt, when he came to the White House, found the American people ready to approve, in principle, his vigorous action for the enhancement of the position of the United States as a World Power. Even before Roosevelt's accession to the Presidency, however, the United States had begun to realize its new rôle in world politics by participating in the suppression of the Boxer Rebellion in China and by insisting upon the application of the principle of the open door in China. Roosevelt's precipitate action with reference to the recognition of Panama, for the sake of assuring the construction of the Panama Canal; his persistence in applying in Santo Domingo the terms of a treaty which had been rejected by the Senate; his mediation in the Russo-Japanese

\* Cf. John W. Foster, "The Practice of Diplomacy," page 1.

War; and his participation in the Algeciras Conference for the solution of the Moroccan question, involving the most delicate phases of the problem of the balance of power in Europe, were indications of the tremendous energy of Roosevelt the individual, but they were also indications of a change in the character of the relations of the United States with the rest of the world.

#### SECRET METHODS OF A PLAIN-SPOKEN PRESIDENT

In Hay and Root, Roosevelt had at the head of the State Department during his administration two of the most competent men who have presided over that Department. He did not, however, have equally competent representatives abroad. Accordingly, in the conduct of the most delicate diplomatic matters, which he took into his own hands, he employed chiefly channels of communication other than the State Department and the representatives of the United States in foreign countries. The President's most important communications with the French Government were transmitted or received by him personally, through the intermediary of his intimate friend the French Ambassador in Washington. His communications with the German Government, similarly, were transmitted or received by him personally through his intimate friend the German Ambassador at the American capital. And his most important messages to the British Government were sent by him to his friend the American Ambassador to Russia, who showed them to the President's intimate friend the Counsellor of the British Embassy at St. Petersburg. The President's methods were thus exceedingly secret, but his habits, as Mr. Tyler Dennett observes, were by no means secretive. Secretary Hay and Secretary Root, if not made the channels of communications with foreign governments in every instance, were at least closely informed of the President's correspondence with those governments. And in his conferences with representatives of the press in Washington, Roosevelt was frank almost to the point of embarrassing the correspondents with the dangerous character of the information which he gave them in confidence.

Secretary Hay is recalled by veteran

newspaper correspondents in Washington as the first Secretary of State to make a practice of informing the press of current developments in our relations with foreign countries. Mr. Hay's disclosure of the text of his note of July 3, 1900, to Great Britain, France, Germany, Russia, and Japan, inquiring as to their intentions in Manchuria, is believed by some of the correspondents to have been largely responsible for the satisfactory character of the reply, which was made with knowledge of the fact that it would be given to the public and subjected to universal comment. Mr. Hay, having been a newspaper man himself, realized the point of view of the press. He realized also the desirability of satisfying the growing hunger of the people for information in regard to American foreign relations. He did not receive all representatives of the press, but with a few men who had his confidence he was entirely frank, and through these men prompt and trustworthy, if not always full, information reached the public.

#### THE DEPARTMENT OF STATE SETS ITS OWN PACE

Mr. Root, who assumed charge of the Department of State at the end of 1905, came to his task with less inclination than his predecessors to rely upon the press as the means of transmitting news of our foreign affairs to the public in such manner as to facilitate the work of the Department. It was in his time, moreover, that there first occurred a marked delay in the publication of diplomatic correspondence which nominally is still printed with the President's message to Congress, although some years may have elapsed since the delivery of the message concerned. The correspondence for the year 1905, in the latter half of which Mr. Root became Secretary of State, was published, as usual, in the immediately succeeding year. The correspondence for 1906, however, was neither transmitted to Congress nor published until 1909 — following Mr. Root's retirement from office. Publication of the 1907 correspondence was similarly delayed for three years; the correspondence for 1908 was four years and that for 1909 five years late in appearing. The present margin of delay, which will be discussed below, is ten years.

Whether the delay in the publication of diplomatic correspondence, beginning in Mr. Root's time, was the result of a policy deliberately adopted by him must be largely a matter of speculation. Some significance may, however, be attached to the circumstance that the commencement of the delay coincided with the commencement of the reorganization of the State Department and the foreign service with a view to increasing their efficiency. It is also pertinent to note that the Assistant Secretary of State particularly charged with the publication of the diplomatic correspondence under Mr. Root, as well as under several of his predecessors and successors, was Mr. Alvey A. Ade, who, during his forty-five years' service in the Department, did more than any Secretary of State in determining the details of the Department's action.

#### **INFLUENCE OF ASSISTANT SECRETARY ADEE**

Mr. Ade had been in the diplomatic service abroad for a number of years before becoming Assistant Secretary of State. He was familiar with the whole range of precedents in international relations, and he had doubtless observed instances of embarrassment of American representatives through the premature disclosure of confidential communications addressed by them to the Department of State. Mr. Ade's interest was almost wholly in the foreign affairs of the United States, and his standard of judgment of the success of the Department and the foreign service was doubtless the extent to which the policies formulated in the Department were carried out. He had been in the Department and in the foreign service for many years before the emergence of popular interest in foreign affairs, and it is conceivable that he regarded that interest as purely temporary. It is not unlikely, also, that public opinion, which he felt must be generally ill-informed or misinformed regarding foreign affairs, seemed to him to be of less consequence than it usually seems to the average American citizen or to the American citizen actively interested in politics and impatient of the conservatism growing out of long foreign or departmental experience.

Mr. Root's tenure of office, while marked

on the one hand by delay in the publication of the diplomatic correspondence of the United States year by year, was on the other hand signalized by the completion of the work of Dr. John Bassett Moore in revising and bringing up to date a digest of international law, originally made by Dr. Francis Wharton on the basis, primarily, of the archives of the Department of State. Dr. Moore's revision had been authorized by Congress toward the end of Cleveland's second administration, and the examination of the archives of the Department had been practically completed before Mr. Root became Secretary of State. While credit can not be claimed for Mr. Root in the initiation of this project, there is every reason to believe that he welcomed the publication of Dr. Moore's digest. It is the impression of Washington correspondents who covered the State Department news during Mr. Root's administration of the Department that during the latter part of this period Mr. Root perceived the desirability of frequent communication through the press of information regarding diplomatic affairs actually in progress. Thus the Root-Takahira agreement was made public immediately after its conclusion, and although the correspondence in connection with the so-called "gentlemen's agreement" with Japan was not published, Mr. Root informed the press concerning the conclusion of that agreement and outlined to them its substantial features.

#### **THE TAFT ADMINISTRATION**

With the inauguration of President Taft there was a perceptible tendency toward a retirement from the advanced ground which President Roosevelt had taken in regard to the participation of the United States in European affairs. In ratifying the convention made at Algeciras in 1906, following the active part which President Roosevelt had taken in the solution of the Moroccan problem, the Senate had made a reservation emphatically disclaiming any intention to depart from the traditional American policy of non-participation in political questions purely European in scope. There were additional evidences during Roosevelt's administration that the American people were not

prepared to follow the action of President Roosevelt to its logical conclusions. The business interests of the country had, however, come to realize the advantage that might accrue to them from the diplomatic support of their efforts to extend American enterprise abroad. Accordingly, concomitant with the decrease of interest in the political aspects of our foreign policy, there was an increase in the efforts of the administration to extend American commerce, not only in the Caribbean, which was marked out as a special American sphere of operations, in consequence of the construction of the Panama Canal then in progress, but also as far afield as Turkey, where an Assistant Secretary of State, making a visit ostensibly of mere courtesy to the Sultan, actually employed himself in the most vigorous support of the efforts of an American company, headed by Rear Admiral Chester, to obtain a concession for the building of railways and the digging of oil.

President Taft was no less disposed to frankness with the newspaper men than his predecessor had been. At the beginning of his administration, in fact, he established the practice of receiving the newspaper men in a body twice a week. For some reason which is not clear the regular newspaper conferences of the President were discontinued after a time.

Mr. Taft's Secretary of State, Mr. Knox, is credited with having had a disposition to guard the secrets of the Department from the press. It is possible that his reticence was due in part to the criticisms, which were freely offered at the time, of the so-called "dollar diplomacy" of the United States.

#### THE WILSON ADMINISTRATION

Mr. Wilson came to the Presidency intellectually convinced of the seemliness of the fullest possible disclosures of public business to the public. He had press conferences regularly twice a week. These conferences were not uniformly helpful to the correspondents, partly because the President did not altogether understand their point of view, and partly, it appears, because he had the human frailty of desiring to impress them by his adroitness at repartee.

Furthermore, the Wilson Administra-

tion was pursuing its Caribbean policy without the knowledge of Congress or the public, and the press was given no inkling of the serious implication of our occupation of Haiti and Santo Domingo.

Mr. Bryan, on the other hand, though himself a newspaper man, was apparently not convinced of the propriety of admitting the public to an intimate knowledge of what was going on in the Department of which he was the nominal head. The former leader of his party is reported to have had little time or aptitude for learning the details of the affairs committed to his charge. He nevertheless made himself, or in his absence the acting head of the Department, the sole channel of communication with the press, and it is said that he expended a considerable amount of his energy in attempting to stop the news leaks which periodically appeared in the Department. Until the outbreak of the European War his communications to the press were usually by way of response to criticisms of his practice of lecturing to Chautauqua audiences throughout the country. At the beginning of the War he authorized the publication of a considerable mass of information regarding the relief of Americans stranded abroad, and after the beginning of the correspondence with Germany and Great Britain in regard to interference with American commerce the notes signed by him, as well as the notes received from Great Britain and Germany, were regularly given to the press shortly after their delivery.

#### LANSING KEEPS THE PUBLIC INFORMED

Mr. Lansing is reported to have had a full understanding of the propriety and advantage of informing the public as to the current conduct of our foreign relations. The text or a full summary of notes to Germany and Great Britain preceding our entrance into the War were usually given to the press shortly after their delivery. Our correspondence with Mexico during 1916 and 1919 was similarly given out, as a rule, either textually or in substance. It is possible that in the decision to release the correspondence with the European Powers and with Mexico, Mr. Lansing and the President were influenced by the charges, which were freely made by European publicists at the

beginning of the war, that the European catastrophe had been principally due to secret diplomacy—which was understood in Europe as meaning not the maintenance of reserve with respect to negotiations in progress, but rather the practice of concluding definite agreements the existence as well as the terms of which was unknown to the peoples whose welfare they affected in the most vital manner. Although there was no popular apprehension in this country of the existence of secret treaties between the United States and other countries, it was obvious that our difficulties with the European Powers and with Mexico were of such a character as to involve the possibility of war in last resort. The President and the Secretary of State, giving the broadest interpretation to the term "open diplomacy," took no chances of being repudiated on account of a failure to keep the American public currently informed. The opinion generally prevailing at this period with respect to the desirability of open diplomacy may also be said to have influenced the administration in making public the texts of certain treaties which had been concluded with Nicaragua and other countries but which had not yet been acted upon by the Senate.

#### SENATE IS DENIED CORRESPONDENCE

Reserve in regard to our foreign affairs was not, however, wholly discarded, for it appears that the Secretary of State declined to comply with a request of the Senate for all correspondence with Mexico, and stated that some of this correspondence was necessarily kept secret because of the necessity of protecting sources of information. The increased appetite of the public for information concerning our foreign affairs was, moreover, sometimes unsatisfied, as appears from an article entitled "Muteness in the State Department," published in the "New Republic" of August 25, 1917. The writer of this article states that in the interest of unifying all expressions of official opinion in the State Department, the Secretary of State had forbidden newspaper correspondents to seek information from anyone in the Department, other than the Secretary himself. The writer observed further that in the limited

time available for press conferences or for private interviews with the Secretary, it was impossible for the correspondents to obtain a fair share of "interpreted news."

Mr. Wilson, after his return from Paris, was more than ever eager to gain popular approval of the measures which he believed to be the most conducive to the achievement of American interests and the fulfillment of American destinies in the realm of foreign affairs. In Mr. Lansing's successor, whom the President praised as at least loyal, the press found a champion of publicity who talked freely but who irritated some of his hearers by his refusal to allow himself to be quoted. During Mr. Colby's administration of the Department the practice which had prevailed under Mr. Lansing, with respect to the publication of important correspondence with foreign governments, was continued.

#### HARDING AND HUGHES FAVOR PUBLICITY

In President Harding the newspaper men found again a friend who understood their point of view and was eager to give them the news which they desired. His idea of news was, however, somewhat different from theirs. The news which he was able and willing to give them was news of actual happenings, "spot news," as it is called by the press. What the Washington correspondents desired was background and general discussion, to which they could give the desired emphasis with an air of authority. Mr. Harding was usually willing to answer any question that was asked, until the occasion on which he revealed by his answer to a question that he was not fully informed concerning the Four Power Treaty. Thereafter Mr. Harding answered only questions which had been presented in writing in advance of his conference with the press.

The background and general discussion which the correspondents desired under the Harding administration they obtained in good measure in their conferences with Mr. Hughes. Mr. Hughes at first saw the newspaper men regularly six times a week. Later his press conferences were reduced to three a week, and the Under Secretary of State received the press about as often. Mr. Hughes spoke with assurance, with mastery of details, and with apparently complete frank-

ness. He was not, however, disposed to make premature revelations of matters in the course of negotiation. His opinion with respect to publicity has already been clearly indicated (page 1). His practice conformed with the statement there made.

Mr. Hughes' idea of open diplomacy was further exemplified in the procedure of the Washington Conference of 1921-1922. Certain formal meetings of the Conference were open to the public, but the informal meetings of the four heads of delegations who made the Four Power Treaty were completely secret, as were many of the sub-committee meetings. It was the usual practice to give out prompt and adequate résumés of the meetings in which any substantial progress had been made. On the third day of the Conference, however, there was a secret session, at the end of which there was given out a formal communiqué which gave no idea whatever of the difficulties which had then arisen and which threatened the success of the Conference. Full disclosure of the course of the negotiations was made only after the treaties had been signed.

#### ATTITUDE OF THE PRESENT ADMINISTRATION

As to the practice of Mr. Coolidge with respect to giving information to the press concerning foreign affairs, there is a division of opinion among the Washington correspondents. Some of the correspondents feel that Mr. Coolidge is unduly reticent in regard to foreign affairs, as well as in regard to the domestic business of the Government, about which the public was last summer advised by the President to give itself not too much concern. Other correspondents feel that whenever there is any matter about which the public is entitled to information, the President is especially sympathetic to their point of view, and especially helpful in giving the background necessary for the preparation of special despatches by the correspondents. President Coolidge's practice of refusing to allow himself to be quoted is felt to have reduced the value of these interviews, however. He has followed the policy of his predecessor in answering only written questions submitted in advance.

Mr. Kellogg meets the press regularly four times a week. He is said to give out a great

deal more "spot news" than did his predecessor. On the other hand, he does not share Mr. Hughes's conception of the duty of the Secretary of State to "educate the public" regarding foreign affairs. He accordingly does not indulge in general discussion with the newspaper men. He has allowed a relaxation of the rule imposed by Mr. Hughes and by Messrs. Bryan, Lansing, and Colby, under which the correspondents were prohibited from discussing the news with officials other than the Secretary or Under Secretary. It is accordingly possible at the present time for newspaper men to obtain perhaps more general background of news than they were able to obtain from any of Mr. Kellogg's immediate predecessors. On the other hand, it is of course much less satisfactory, from some points of view, to obtain background or interpretation of news from subordinate officials than it would be to obtain the same material from the Secretary himself. When the Secretary talks, the correspondent feels sure of the considerations which will affect the future action of the Government for which the Secretary is the authorized spokesman. When a subordinate talks, the correspondent is conscious that the views of the subordinate may be overruled. The Secretary of State, in other words, is not merely the temporary head of an organization which functions with a view to the advancement of American interests in the light of conditions observed in foreign countries. The Secretary of State is a political officer, who must be presumed to be more familiar with public opinion in this country than an officer of the foreign service, who has necessarily spent the greater part of his official life in foreign countries and who considers the questions presented to him from the point of view of his personal success in realizing a declared program of the Department, rather than from the point of view of instant response to the demands of an informed public opinion. One result of the shifting of the source of background information from the Secretary to the Division Chiefs is accordingly the diminution of the news value of such information. Flowing from this result is the much more serious one of the diminution of the popular interest in the conduct of our foreign relations, an interest which must be

sustained and increased if the public is to have the information necessary for the formulation of opinion on the matters with respect to which the public is entitled to direct the policy of the Department.

Aside from the attitude of the present Secretary of State toward the press conferences, in regard to which he seems to be open to a certain amount of criticism, the Secretary has been charged with an excessive desire for secrecy in regard to the application of the visa law and in regard to correspondence between the United States and Mexico on the subject of alleged confiscatory provisions of the Mexican land and petroleum laws.

#### A CASE OF DEPARTMENTAL RESERVE

The Secretary's practice in regard to the visa law was defended by him in a speech made to the Council of Foreign Relations, at New York, on December 14, 1925. In this speech he said:

"The law imposes the duty upon the Secretary of State and the American Consuls to refuse visas, if in their opinion the persons applying come within the prohibited classes. . . The Secretary has not acted in an arbitrary manner, and he has good reason for every refusal he makes, nor is it in the public interest to disclose the facts upon which each decision is based, since the information is often of a most confidential kind, and would not be obtained at all if it were not treated as confidential."

In the absence of information which the Secretary has declined to make public with respect to the reasons for the much-criticized exclusion of Countess Karolyi it is impossible to form a considered opinion as to its justification. The law clearly authorizes the exclusion of persons coming within certain classes. If Countess Karolyi comes within one of the prohibited classes, she should certainly be denied entrance to this country so long as the law requiring exclusion continues to be in force. The same law was frequently acted upon during the war, and although many persons who were denied entrance to this country complained bitterly of the alleged injustice of their exclusion, there was no general criticism of the action of the Department of State in the numerous cases which preceded that of the Countess. Opponents of Mr. Kellogg's policy, however, point out that measures justifiable in time of

war may be absurd in time of peace. A degree of autocracy may be necessary for national security during the conduct of military operations, but it is contended that war-time practices should be abandoned with the termination of war.

The facilities for obtaining and checking information as to the activities and affiliations of candidates for admission to the United States have been much improved in the period following the war. The reason for presuming that the Secretary's action was justified upon the basis of reports received from American representatives abroad, or from other sources, is accordingly stronger now than it would have been some years ago. It is contended that the Countess Karolyi and her champions cannot well be ignorant of the general basis of her exclusion. The notorious difficulty of proving the negative may be brought forward in her favor. But it is the contention of the Department of State that until she has presented facts which are inconsistent with the information furnished through diplomatic channels, the Secretary may reasonably expect American public opinion to indulge a presumption in favor of the regularity of his action. Opponents of the official point of view in this case believe that the visa law is an unwarranted extension of war-time powers and that the manner of its administration has been unintelligent, autocratic, and tactless. It is also charged that the Secretary of State is ultra-conservative in his political and economic beliefs and that he is unduly nervous concerning the menace of revolution incident to the temporary admission to the United States of European liberals and radicals. Reconciliation of these divergent points of view can be accomplished only by amendments to the existing laws concerning visas and the authority to deny them. In any case, it is contended, the person denied a visa should be granted a hearing and an opportunity to refute the evidence presented against him.

#### THE MEXICAN TANGLE AND SECRET DIPLOMACY

As to the propriety of the publication of the steps in our negotiations with the Mexican Government, it is pertinent to consider how far these negotiations have involved

any serious possibility of a breach between the two governments concerned. The correspondence in 1916 and 1919 regarding the Villa raids and the arrest of an American consular agent was, as already observed, of such a character as to involve a serious possibility of war. Moreover, the overt acts of the Mexican Government in 1916 and 1919 were such as to attract a large measure of public attention. The current controversy with the Mexican Government, on the other hand, relates to the application of laws which have not yet been applied, and which it appears from the information available may, in application, not involve the injury of American interests apprehended by the Department of State. The question whether the correspondence between the two governments should, in the circumstances, be made public as it proceeds is a question which should be decided in the light of the possibility that current publication of the correspondence might result in the building up in one country or the other of an irresistible public opposition to a compromise consistent with the honor and the best interests of the people of both countries. This question involves the additional consideration whether, in the present state of international relations, public opinion in the United States or Mexico would approve a settlement of the controversy in accordance with absolute justice, assuming that absolute justice is ascertainable, rather than upon the basis of a compromise of conflicting interests.

The relations of one state with another are, as has been observed, conducted generally with a view to obtaining the maximum of advantage to each state, rather than to securing exact justice as between states.\* The American people, as Mr. Hughes remarked in an address to the American Society of International Law two years ago, are in a unique position at this time. "There is," he said, "no menace to our security, and no reason for any reluctance on our part to be just." "Why," he asked, "should we not present to the world an example of a people dedicated to justice?" If we have, in fact, reached the point at which we are willing to have our international relations conducted with a view to realizing justice, rather than to advancing our interests, possibly at the

expense of other countries, then it is possible to adopt a more open policy with respect to all negotiations with foreign governments—allowing, of course, for the possibility that through the premature disclosure of the steps in the negotiation another people, less disposed than we to accept the settlement of controversies on the basis of justice rather than on that of national advantage, may be led to reject a just settlement which it might have readily approved as the result of a process of negotiation the steps of which were not revealed until the agreement was reached.

In the actual negotiations with Mexico, it appears that the Mexican position was substantially disclosed by representatives of the Mexican Government, and that the American position has in some way become known to the public without the official disclosure of the American notes or their substance. There has accordingly developed in each country perhaps as great a degree of difficulty with respect to public opinion as would have been developed if each step in the negotiations had been revealed immediately. Considering the difficulties of securing complete secrecy, it might therefore have been a wiser policy for the two governments to agree at the outset to disclose the text of each note, or an adequate summary of it, immediately after delivery. There would then have been none of the atmosphere of suspicion which has in fact been created by the procedure adopted. It has been suggested that if this Government is ready to adhere to the policy indicated by Mr. Hughes in the address to the American Society of International Law, it might at the beginning of every negotiation of the character of that now pending with the Mexican Government, secure an agreement concerning current disclosure of every definite step in the negotiations.

#### DELAY IN PUBLISHING TREATY TEXTS

In addition to the two occasions for criticism which have just been discussed, it is sometimes suggested that the Secretary of State may be responsible for the non-publication of treaties prior to final action by the Senate and for the enormously extended delay in the publication of diplomatic correspondence, now ten years in arrears, in the

\*Cf. Denys P. Myers, "Notes on the Control of Foreign Relations," p. 12.

volumes of "Foreign Relations." It is also stated that the volumes published since 1912 omit a great deal of correspondence of a character which appeared as a matter of course in the earlier volumes.

The question of delay in the publication of the texts of treaties has been raised especially in regard to the treaties signed by representatives of the United States and Turkey at Lausanne in August, 1923. A representative of the Foreign Policy Association, having first ascertained that there was no objection at the State Department to the publication of these treaties, called on Senator Borah, Chairman of the Senate Committee on Foreign Relations, and inquired whether the Senator had given close study to the policy of the Committee with reference to the publication of treaties before final action by the Senate and, in particular, whether the Senator perceived any objection to the immediate publication of the Lausanne treaties. The Senator said that he was willing to be quoted as favoring, in principle, the earliest possible publication of treaties after their receipt by his Committee and that he saw no objection to the immediate publication of the Lausanne treaties, which had been transmitted to the Committee some two years ago, when Senator Lodge was Chairman. Within four days after his conversation with the representative of the Foreign Policy Association, Senator Borah asked and obtained the permission of the Senate for the publication of the two treaties signed at Lausanne. It may not be too much to expect that since the Senator's attention has been drawn to the matter, the old custom of withholding the text of treaties until final action by the Senate will shortly be discarded.

#### BURIED DIPLOMATIC CORRESPONDENCE

As regards the delay in the publication of "Foreign Relations," and the omission of significant correspondence in recent volumes it appears, upon investigation, that both the delay in publication and the omissions which have been noted are to be attributed to false economy rather than to a desire to keep the public from knowing, in due time, the details of important past correspondence with foreign governments.

The fact that the volumes of "Foreign Re-

lations" for many years preceding 1912 were more satisfactorily edited than the subsequent volumes is doubtless due in the first place to the fact that until about 1919, when the volume for 1912 was published, the final selection of material for "Foreign Relations" was in the hands of Mr. Adee, who at the age of eighty was still able to bring to this work an unrivaled knowledge of precedents along with an instant perception of the significance of the correspondence which came under his watchful eye. It would have been difficult to find anyone at any price to do the work of selection as well as Mr. Adee had done it. With Mr. Adee no longer available the work of selection was left chiefly to subordinates, who, however devoted and diligent, were lacking in the experience and judgment necessary for the satisfactory performance of the task committed to them. Even these subordinates were not permitted to give their undivided attention to the selection and preparation of material for "Foreign Relations." They were continually being drawn off for other tasks, including notably the publication of the record of the Disarmament Conference of 1921-1922, for which the remaining staff of the Department was inadequate. Both the inferior quality of the later volumes of "Foreign Relations" and the delay in the publication of these volumes were thus due in large measure to the fact that the Department could not or at any rate did not obtain for this work a sufficient number of competent persons. It was doubtless considered by the Department until recently that the publication of "Foreign Relations" was of less importance than the realization of such plans as the reorganization of the Foreign Service. And the Director of the Bureau of the Budget would in all probability be opposed to any expenditure of money which was not declared by the Department to be of the greatest urgency.

#### EFFORTS TO EXPEDITE PUBLICATION

The importance of bringing "Foreign Relations" up to date and incorporating in its volumes substantially all the correspondence relating to the major policies and decisions of the Department was recognized both by Mr. Tyler Dennett, the present Chief of the

Division of Publications, and by his immediate predecessor, Mr. H. G. Dwight, who remained in the Division less than a year. In a memorandum submitted to the Secretary of State on March 26, 1925, Mr. Dennett, who had just taken over the Division, set forth the following principles, among others, which he believed should be applied in the editing of "Foreign Relations":

"Although the Secretary of State is not by law required to make an annual report, it is recognized that a well-informed and intelligent public opinion is of the utmost importance for the conduct of foreign relations.

"The publication of diplomatic correspondence relating to matters which are still current often presents an insuperable obstacle to effective negotiation, but it is obvious that after the completion of the business in hand as much of the correspondence as is practicable ought to be made public . . . .

"The Chief of the Division of Publications is charged with the preparation for this purpose, as soon as practicable after the close of each year, of the correspondence relating to all major policies and decisions of the Department in the matter of foreign relations, together with the events which contributed to the formulation of each decision or policy, and the facts incident to the application of it. It is expected that the material thus assembled, aside from the omission of trivial and inconsequential details, will be substantially complete as regards the files of the Department."

The principles set forth in Mr. Dennett's memorandum were approved by Secretary Kellogg, and Mr. Dennett immediately undertook the steps which he deemed indispensable for the realization of his program.

#### **"FOREIGN RELATIONS" FAR IN ARREARS**

The correspondence of the period of the world war is of course enormous. Of this correspondence the only parts reproduced in "Foreign Relations" for 1914, 1915, and 1916, and in the volumes in preparation for 1917 and 1918, are, according to the plan which was announced in the volume for 1914, the parts not dealing with the war. It is estimated by Mr. Dennett that the special war correspondence which is to be published in annexes to "Foreign Relations" will occupy eleven large volumes. In view of the progress which European governments already have made in the publication, frequently at great expense, of material from

their archives dealing with the diplomatic negotiations of the world war, it appears highly desirable that special efforts be put forth to make available the American positions of this most important historical record.

In addition to materials concerning the world war there is awaiting publication the ordinary correspondence for the years 1918 to 1925, which must be selected from a greatly increased mass of correspondence in the files of the Department. (The selection of correspondence for 1917 has been completed, and the copy is in the hands of the printers.) For the selection and editing of the eleven volumes of war correspondence and the eight volumes of ordinary correspondence awaiting preparation the Department, following Mr. Dennett's recommendation, requested an appropriation of \$50,000, which would enable the Department to engage competent persons and, completing five volumes each year for the next four years, to bring the publication of "Foreign Relations" to within four years of the time when the last of this correspondence occurred. Unhappily, as the *New York Times* remarked in an editorial of February 16, 1926, "when the Director of the Budget found this proposed appropriation in the 'Book of Estimates', he conceived it to be his duty to cut it out." Efforts have been made by scholars and other interested persons to induce Congress to make the desired appropriation, but these efforts have so far been in vain. Meanwhile Mr. Dennett, with an inadequate staff, continues his truly tantalizing task of endeavoring to reduce the gap, which nevertheless grows wider, between the conduct of diplomatic correspondence and its publication for the benefit of members of Congress and students of American foreign affairs.

#### **A TREND TOWARD BUREAUCRATIC RETICENCE?**

During the past ten years notable progress has been made in reorganizing the personnel of the Department of State in the interest of efficiency. The passage of the Rogers Bill in 1924 placed the overwhelming proportion of all positions in the foreign service (diplomatic and consular) upon a "career" basis, so that personal favoritism

and political patronage might be removed from the conduct of American foreign affairs. The higher calibre of men chosen, the larger experience assured, the opportunity for advancement to high ambassadorial and administrative posts, the security of tenure—all these will combine to add to the government at Washington a large corps of capable and well-informed diplomatists. If the experience of the British foreign service means anything, the members of the professionalized foreign service will be the real makers of our foreign policies, and their permanence will assure continuity to a policy which might otherwise be haphazard. On the other hand, however, these makers of the future American foreign policy will tend, in the nature of the case, to be unresponsive to public opinion. Owing their appointments to their own conspicuous ability as determined in competitive examina-

tion, and being removable only for misbehavior, they will be little disposed to heed popular criticism. With highly specialized training and experience, and spending a considerable proportion of their time abroad, they will tend to proceed unaware of the larger considerations in American foreign policy which transcend technical problems and which need to be seen in the perspective of great statesmanship rather than of tactful and informed diplomacy. In short, according to some students of international affairs, unless we are perpetually alert and persistently inquisitive, the conduct of American foreign relations may become the prerogative of a skilled and urbane bureaucracy, disposed to discount the ability of the public, which lacks detailed knowledge, to judge of international questions. Eternal popular vigilance is the price which a nation must pay if it desires to keep informed concerning its foreign affairs.

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